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United States District Court

for

the District of Nevada

2012 MAY 22 11 04

REQUESTING WITHDRAWAL OF VIOLATION PETITION

May 17, 2012

Name of Offender: JOEL MONTANO

Case Number: 2:05-cr-0062-JCM-RJJ

Name of Sentencing Judicial Officer: Honorable James C. Mahan

Date of Original Sentence: December 22, 2005

Original Offense: Conspiracy to Distribute Methamphetamine

Original Sentence: 70 months imprisonment, 60 months supervised release

Date Supervision Commenced: July 19, 2010

PETITIONING THE COURT

 To withdraw petition for warrant dated May 31, 2011, and vacate revocation hearing scheduled for May 29, 2012

CAUSE

The purpose of this report is to respectfully request a withdrawal of the violation petition seeking revocation against Montano that was submitted by this office on May 30, 2011; and to vacate the revocation hearing scheduled before Your Honor for May 29, 2012. The basis of the petition was that Montano was arrested by the Las Vegas Metropolitan Police Department on May 25, 2011, for Furnishing Dangerous Drugs Without A Prescription. According to the arrest report, Montano was operating a vitamin store from which he was dispensing the prescription drug Ampicillin. All other allegations contained in the petition were related to this arrest. An addendum to the petition was submitted to Your Honor advising that Montano submitted a positive urine sample for synthetic cannabinoids on October 25, 2011.

The District Attorney's Office denied the aforementioned charge against Montano on January 10, 2012, and will not be pursuing this matter any further. As such, the probation office will not be recommending Montano's supervised release be revoked. Assistant United States Attorney Kathleen Bliss has been

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RE: JOEL MONTANO

consulted and is in agreement with our request. Although Montano did test positive for synthetic cannabinoids, this has been addressed and there has been no further positive tests since October 2011. Montano has been compliant and recently obtained employment with Valley Crest Landscaping.

In consideration of the charges against Montano have been dismissed, withdrawal of the violation petition and vacating the revocation hearing is recommended. If Your Honor has any concerns or questions regarding this matter please contact the undersigned at 527-7313.

Respectfully submitted,



TODD J. FREDLUND
Senior United States Probation Officer

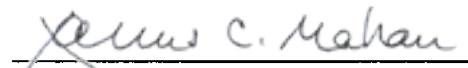
APPROVED: 

THE COURT ORDERS:

☐ No action

☒ The petition for warrant dated May 31, 2011, and addendum dated November 8, 2011, is withdrawn and revocation hearing scheduled for May 29, 2012, is vacated.

☐ Other



Signature of Judicial Officer

May 23, 2012

Date